

FILED  
IN CLERKS OFFICE

BRCV2004-00405

Violette v Interstate Brands Companies

2004 JUL 13 P 12:18

<b>File Date</b>	04/16/2004	<b>Status</b>	Disposed: transfered to other court (dtrans)
<b>Status Date</b>	07/12/2004	<b>Session</b>	B - CtRm 2 - (Fall River)
<b>Origin</b>	1	<b>Case Type</b>	B22 - Employment Discrimination
<b>Lead Case</b>		<b>Track</b>	F

U.S. DISTRICT COURT  
DISTRICT OF MASS.

<b>Service</b>	07/15/2004	<b>Answer</b>	09/13/2004	<b>Rule 12/19/20</b>	09/13/2004
<b>Rule 15</b>	09/13/2004	<b>Discovery</b>	02/10/2005	<b>Rule 56</b>	03/12/2005
<b>Final PTC</b>	04/11/2005	<b>Disposition</b>	06/10/2005	<b>Jury Trial</b>	Yes

PARTIES

**Plaintiff**

Maurice A. Violette  
Active 04/16/2004

**Private Counsel 555622**

Christopher C Trundy  
240 Union Street  
PO Box 1203  
New Bedford, MA 02741-1203  
Phone: 508-984-4000  
Fax: 508-999-1670  
Active 04/16/2004 Notify

**Defendant**

Interstate Brands Companies  
229 Coffin Avenue  
New Bedford, MA 02740  
Served: 06/14/2004  
Served (answr pending) 06/22/2004

**Private Counsel 256760**

Nathan L Kaiz  
Morgan Brown & Joy  
1 Boston Place  
Boston, MA 02108-4472  
Phone: 617-523-6666  
Fax: 617-367-3125  
Active 07/08/2004 Notify

**Other interested party**

FILE COPY  
Active 04/16/2004 Notify

**Out-of-state attorney**

James R. Holland, Esquire  
Bioff Finucane Coffey Holland  
104 West Ninth Street, Suite 400  
Kansas City, MO 64105-1718  
Phone: 816-842-8770  
\*Represents: Defendant, Interstate Brands.  
Active 07/08/2004 Notify

BRCV2004-00405

**Violette v Interstate Brands Companies**

**Out-of-state attorney**

Gregory D. Ballew, Esquire  
Bioff Finucane Coffey Holland  
104 West Ninth Street, Suite 400  
Kansas City, MO 64105-1718  
Phone: 816-842-8770  
\*Represents: Defendant, Interstate Brands.  
Active 07/08/2004 Notify

**ENTRIES**

Date	Paper	Text
04/16/2004	1.0	Complaint & civil action cover sheet filed
04/16/2004		Origin 1, Type B22, Track F.
06/14/2004		One Trial case upon review of judge, case shall remain in the Superior Court, jurisdiction pursuant to MGL Chapter 151B Section 5. (Moses, J.).
06/22/2004	2.0	SERVICE RETURNED (summons): Interstate Brands Companies, service made on June 14, 2004 (in hand)
07/08/2004	3.0	Notice for Removal to the United States District Court filed by Interstate Brands Companies
07/12/2004		Case REMOVED this date to US District Court of Massachusetts with (04-11516JLT) endorsement thereon.

**EVENTS**

Date	Session	Event	Result
04/16/2004	CtRm Main - (Taunton)	Status: by clerk	Event held as scheduled
06/09/2004	CtRm Main - (Taunton)	Initial one trial review Status: Clerk Follow UP one trial review by judge	Event held as scheduled

**A True Copy By Photostatic Process**

**Attest:**

  
Asst. Clerk of Courts

BRISTOL, SS.

MAURICE A. VIOLETTE,  
Plaintiff,

v.

INTERSTATE BRANDS COMPANIES,  
Defendant.

COMMONWEALTH OF MASSACHUSETTS

SUPERIOR COURT DEPT.

No. 04-40513 P 12:18

APR 16 2004

U.S. DISTRICT COURT  
DISTRICT OF MASS.

**COMPLAINT**  
**AND DEMAND FOR TRIAL BY JURY**

1.) The plaintiff Maurice A. Violette ("Violette") is a natural person, resident of Bristol County, Massachusetts;

2.) The defendant Interstate Brands Companies ("Interstate") is a corporate entity doing business in the Commonwealth of Massachusetts;

**COUNT I [M.G.L. Chapter 151B, s.4; Age Discrimination]**

3.) In 1989, the plaintiff became an account manager for My Bread Baking Co. in New Bedford, MA;

2.) Subsequently, the defendant Interstate assumed control of My Bread Baking Co; and the plaintiff became an employee of Interstate, at which time he began reporting to Interstate management on June 1, 2002;

3.) The plaintiff was then one of ten similarly situated account managers;

4.) The plaintiff was and continued to be as competent, productive and successful as any of the other account managers;

5.) On April 8, 2003 the plaintiff was told by Tom Bradford, General Manager, plant 87 in Biddeford, ME that he was being terminated as part of a downsizing program. He was not

**A True Copy By Photostatic Process**  
**Attest:**

  
Asst. Clerk of Courts

provided with any further information regarding other terminations orally or in writing; however, less competent and substantially younger similarly situated account managers were retained by management;

6.) The plaintiff was 60 years old; one of the oldest account managers in the group;

7.) The plaintiff was terminated on account of his age;

8.) The termination of the plaintiff was in violation of Massachusetts General Laws Chapter 151B et seq.;

9.) The plaintiff has lost back pay, future pay, benefits and suffered compensatory damages as a consequence of the termination;

10.) The termination of the plaintiff was a knowing violation of law and the plaintiff is further entitled to punitive damages.

#### **ADMINISTRATIVE EXHAUSTION**

The plaintiff has timely filed his complaint with the Massachusetts Commission Against Discrimination, as required by state law, and has removed such complaint with the consent of the agency to pursue this legal action.

#### **DEMAND FOR TRIAL BY JURY**

The plaintiff hereby demands trial by jury.

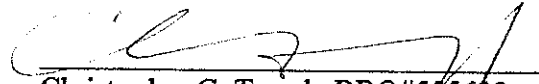
#### **REQUEST FOR RELIEF**

WHEREFORE, the plaintiff hereby demands the following relief:

1.) Damages, including back pay, front pay, compensatory damages and punitive damages as allowed by law; and,

2.) All such other relief as the law and equity may allow.

RESPECTFULLY SUBMITTED,  
BY MAURICE VIOLETTE'S COUNSEL,

A handwritten signature in black ink, appearing to read 'Christopher C. Trundy', is written over a horizontal line.

Christopher C. Trundy BBO#555622  
240 Union St.  
P.O. Box 1203  
New Bedford, MA 02741-1203  
(508) 984-4000

**CIVIL ACTION  
COVER SHEET**

Case No. 04-cv-11516-JLT

Document 5

Filed 07/13/04

Trial Court Page 1 of 6

Superior Court Department

County:



PLAINTIFF(S)

MAURICE A. VIOLETTE

DEFENDANT(S)

INTERSTATE BRANDS COMPANIES

ATTORNEY, FIRM NAME, ADDRESS AND TELEPHONE

Christopher C. Trundy BBO#555622

240 Union St., P.O. Box 1203, New Bedford, MA

Board of Bar Overseers number: 02740-1203 (508) 984-4000

ATTORNEY (if known)

APR 16 2004

**Origin code and track designation**

Place an x in one box only:

- ☒ 1. F01 Original Complaint  
☐ 2. F02 Removal to Sup.Ct. C.231,s.104  
(Before trial) (F)  
☐ 3. F03 Retransfer to Sup.Ct. C.231,s.102C (X)

- ☐ 4. F04 District Court Appeal c.231, s. 97 & 104 (After trial) (X)  
☐ 5. F05 Reactivated after rescript; relief from judgment/Order (Mass.R.Civ.P. 60) (X)  
☐ 6. E10 Summary Process Appeal (X)

**TYPE OF ACTION AND TRACK DESIGNATION (See reverse side)**

CODE NO.

TYPE OF ACTION (specify)

TRACK

IS THIS A JURY CASE?

B22

Employ. Disc.

( F )

( x ) Yes

( ) No

**The following is a full, itemized and detailed statement of the facts on which plaintiff relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.**

**TORT CLAIMS**

(Attach additional sheets as necessary)

A. Documented medical expenses to date:

1. Total hospital expenses ..... \$ .....  
2. Total Doctor expenses ..... \$ .....  
3. Total chiropractic expenses ..... \$ .....  
4. Total physical therapy expenses ..... \$ .....  
5. Total other expenses (describe) ..... \$ .....

Subtotal \$ .....

B. Documented lost wages and compensation to date .....

\$ unknown .....

C. Documented property damages to date .....

\$ .....

D. Reasonably anticipated future medical and hospital expenses .....

\$ .....

E. Reasonably anticipated lost wages .....

\$ .....

F. Other documented items of damages (describe) .....

\$ .....

G. Brief description of plaintiff's injury, including nature and extent of injury (describe) .....

\$ .....

TOTAL \$ unknown .....

**CONTRACT CLAIMS**

(Attach additional sheets as necessary)

Provide a detailed description of claim(s):

TOTAL \$ .....

PLEASE IDENTIFY, BY CASE NUMBER, NAME AND COUNTY, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT

none

**"I hereby certify that I have complied with the requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods."**

Signature of Attorney of Record

DATE: 04/16/04